



The Scottish Parliament
Pàrlamaid na h-Alba

Published 13 December 2022
SP Paper 281
9th Report, 2022 (Session 6)

Equalities, Human Rights and Civil Justice Committee

Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2023 [draft]



Published in Scotland by the Scottish Parliamentary Corporate Body.

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Contents

Introduction	1
The Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2023 [draft]	2
Delegated Powers and Law Reform Committee consideration	3
Equalities, Human Rights and Civil Justice Committee consideration	4

Equalities, Human Rights and Civil Justice Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- a. matters relating to equal opportunities, and upon the observance of equal opportunities within the Parliament; and
- b. matters relating to human rights.
- c. matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Veterans.

2. In these Rules

(a) “equal opportunities” includes the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions; and

(b) “human rights” includes Convention rights (within the meaning of section 1 of the Human Rights Act 1998) and other human rights as for example contained in any international convention, treaty or other international instrument ratified by the United Kingdom.



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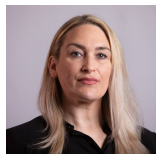
Committee Membership



Convener
Joe FitzPatrick
Scottish National Party



Deputy Convener
Maggie Chapman
Scottish Green Party



Karen Adam
Scottish National Party



Pam Gosal
Scottish Conservative
and Unionist Party



Rachael Hamilton
Scottish Conservative
and Unionist Party



Pam Duncan-Glancy
Scottish Labour



Fulton MacGregor
Scottish National Party

Introduction

1. At its meeting on 13 December 2022, the Equalities, Human Rights and Civil Justice Committee considered the following instrument:
 - [The Legal Aid and Advice and Assistance \(Miscellaneous Amendment\) \(Scotland\) Regulations 2023 \[draft\]](#)
2. The instrument is subject to the affirmative procedure (Rule 10.6).

The Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2023 [draft]

3. The draft SSI was laid before the Scottish Parliament on 14 November 2022 and referred to the Equalities, Human Rights and Civil Justice Committee.
4. The purpose of the instrument is to make provisions for Assistance By Way of Representation (“ABWOR”) available, subject to an effective participation test, to individuals with or seeking participation rights in Children's Hearing proceedings.
5. The instrument also provides for compensatory payments from the Scottish Infected Blood Support Scheme (SIBSS) and additional payments from the State for the purpose of responding to increases in the cost of living to be disregarded from financial assessment when applications are made for publicly funded legal assistance.

Delegated Powers and Law Reform Committee consideration

6. The Delegated Powers and Law Reform Committee (DPLR) considered the instrument at its meeting on [22 November 2022](#). The DPLR Committee agreed that it did not need to draw the Parliament's attention to the instrument on any grounds within its remit.

Equalities, Human Rights and Civil Justice Committee consideration

7. It is for the Equalities, Human Rights and Civil Justice Committee to recommend to the Parliament whether the instrument should be approved.
8. The Minister for Community Safety ("the Minister"), Elena Whitman MSP, has, by motion [S6M-06777](#) proposed that the Committee recommends the approval of the instrument.
9. The Committee took evidence from the Minister at its meeting on 13 December 2022.
10. Following the evidence session, the Minister moved motion S6M-04890—That the Equalities, Human Rights and Civil Justice Committee recommends that The Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2023 [draft] be approved.
11. The motion was agreed to without division or dissent.

The Equalities, Human Rights and Civil Justice Committee recommends that The Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2023 [draft] be approved.

